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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,885	02/01/2001	Lisa A. Fillebrown	107870.00008	7933

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/773,885	FILLEBROWN ET AL.	
	Examiner	Art Unit	
	Philip B. Tran	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 20-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 20-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendments

Notice to Applicant

1. This communication is in response to the amendment filed 24 October 2005. Claims 1-15 and 20-25 are pending for further examination.

37 CFR 1.131 Affidavit

2. Applicant has submitted an affidavit on 24 October 2005 to remove Hiscock (U.S. Pat. No. 6,721,787). The affidavit filed on 24 October 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Hiscock reference for the following reasons:

Petitioner's assert that the claimed invention, the subject matter of which is described and claimed in the above identified application, was conceived prior to the effective date of the reference, and was diligently reduced to practice by all of the application's named inventors. Petitioner's further assert that, after diligent effort, inventor Lisa Fillebrown, is unavailable.

Applicable Law, Rule, or MPEP

As provided in MPEP 715.04,

> [a]ffidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37 CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s).

Here, Applicant avers that inventor Fillebrown is unavailable to make the affidavit or declaration. As such, Applicant must qualify under 37 CFR 1.47(a).

37 CFR 1.47(a)

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), if an inventor is unavailable (cannot be reached), Petitioner must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor. Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor

should be included statement of facts. It is important that the statement contain facts as opposed to conclusions. (Emphasis supplied). **See, MPEP § 409.03(d).**

As the result, the Petition under 37 C.F.R 1.47 in support of Declaration of Prior Invention under 37 C.F.R. 1.31 has been dismissed by the USPTO Petitions branch and thus Declaration of Prior Invention under 37 C.F.R. 1.31 has been considered as ineffective to overcome the Hiscock reference. Therefore, the affidavit filed on 24 October 2005 is deemed insufficient to remove Hiscock reference as prior art.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 11, 13, 21 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hiscock, U.S. Pat. No. 6,721,787.

Regarding claim 1, Hiscock teaches a personal wireless network (= wireless link (22) system) [see Fig. 1 and Col. 2, Line 60 to Col. 3, Line 12], comprising :

a wireless server (= hot-sync server (10)) [see Fig. 1 and Col. 2, Lines 60-66] capable of executing any one of a plurality of software applications and generating from such execution a plurality of data packets for transmission in the network [see Col. 3, Lines 34-43]; and

a wireless client capable of wireless communication with the wireless server in accordance with at least one wireless communication protocol, the wireless client being configured to remotely access the software applications executed by the wireless server, and to process the data packets transmitted from the wireless server and wherein the wireless server receives a data packet from the wireless client extracts data from the received data packet, and associates the extracted data with one of the software application (= one of personal digital assistance (PDA) (12) is coupled to the hot-sync server (10) by a wireless link (22) wherein the hot-sync server includes a wireless transceiver (46) for communicating with the PDA and the PDA also includes a wireless transceiver (36) for communicating with the hot-sync server and wherein software running in the server to allow exchanging packet data between the PDA and the server for establishing connection) [see Fig. 2 and Abstract and Col. 3, Lines 21-43 and Col. 4, Lines 5-60].

Regarding claim 2, Hiscock further teaches the wireless communication is implementable through a Bluetooth protocol (i.e., the PDA (12) and hot-sync server (10) communicate over a wireless link (22) using a wireless communication protocol referred to by the name "Bluetooth") [see Col. 2, Line 66 to Col. 3, Line 4].

Regarding claim 3, Hiscock further teaches the wireless communication is implementable through an IEEE 802.11 protocol (i.e., the PDA (12) and hot-sync server (10) communicate over a wireless link (22) using a standard communication protocol such as IEEE standard 802.11) [see Col. 2, Line 66 to Col. 3, Line 2].

Regarding claim 11, Hiscock further teaches a second wireless client capable of wireless communication with the wireless server, and wherein both clients are capable of simultaneously accessing the same software application being executed by the server (= one of personal digital assistance (PDA) (12) is coupled to the hot-sync server (10) by a wireless link (22) wherein the hot-sync server includes a wireless transceiver (46) for communicating with the PDA and the PDA also includes a wireless transceiver (36) for communicating with the hot-sync server and wherein software running in the server to allow exchanging packet data between the PDA and the server for establishing connection) [see Fig. 2 and Abstract and Col. 3, Lines 21-43 and Col. 4, Lines 5-60].

Regarding claim 13, Hiscock further teaches the server is in communication with a Local Area Network (i.e., the hot-sync server is connected to the LAN) [see Col. 3, Lines 7-20].

Claims 21 and 23 are rejected under the same rationale set forth above to claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of Haartsen, U.S. Pat. No. 6,590,928.

Regarding claim 4, Hiscock does not explicitly teach the wireless communication is implementable at approximately 2.4 GHz. However, Hiscock does suggest the implementation of suitable wireless protocol for communication between server (hot-sync server (10)) and client (the PDA (12) over a wireless link (22) using a standard IEEE 802.11 protocol or a wireless communication protocol such as Bluetooth [see Col. 2, Line 66 to Col. 3, Line 4].

Haartsen, in the same field of wireless communication network endeavor, discloses wireless local area network (WLAN) using a standard IEEE 802.11 protocol wherein the system is operated in the 2.4 GHz band [see Haartsen, Col. 1, Line 40 to Col. 2, Line 40]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of a standard IEEE 802.11 protocol wherein the system is operated in the 2.4 GHz band, disclosed by Haartsen, into the system of wireless communication network disclosed by Hiscock, in order to provide a short-range and low-cost wireless communication link for use between devices within a rather small local area such as in-home network.

Regarding claim 5, Hiscock does not explicitly teach the wireless communication is implementable at approximately 5.2 GHz. However, Hiscock does suggest the implementation of suitable wireless protocol for communication between server (hot-sync server (10)) and client (the PDA (12) over a wireless link (22) using a standard

IEEE 802.11 protocol or a wireless communication protocol such as Bluetooth [see Col. 2, Line 66 to Col. 3, Line 4].

Haartsen, in the same field of wireless communication network endeavor, discloses High Performance Radio Local Area Network (HIPERLAN) using a standard IEEE 802.11 protocol wherein the system is operated in the 5.2 GHz band [see Haartsen, Col. 13, Lines 14-38]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of a standard IEEE 802.11 protocol wherein the system is operated in the 5.2 GHz band, disclosed by Haartsen, into the system of wireless communication network disclosed by Hiscock, in order to provide a short-range and low-cost wireless communication link for use between devices within a rather small local area such as in-home network.

7. Claims 6-7 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of Treyz et al (Hereafter, Treyz), U.S. Pat. No. 6,678,215.

Regarding claim 6, Hiscock does not explicitly teach the wireless communication is implementable through a HomeRF protocol. However, Hiscock does suggest the implementation of suitable wireless protocol for communication between the hot-sync server (10) and PDA (12) [see Hiscock, Col. 2, Line 60 to Col. 3, Line 4].

Treyz, in the same field of wireless communication network endeavor, discloses in-home wireless network using wireless protocol such as a HomeRF protocol [see Treyz, Fig. 2 and Col. 9, Line 66 to Col. 10, Line 24 and Col. 10, Line 48 to Col. 11, Line

12]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of HomeRF protocol, disclosed by Treyz, into the system of wireless communication network disclosed by Hiscock, in order to provide a short-range and low-cost wireless communication link for use between devices within a rather small local area such as in-home network [see Treyz, Col. 10, Lines 20-24 and Col. 11, Lines 1-12].

Regarding claim 7, Hiscock does not explicitly teach the wireless communication is implemented through a plurality of wireless protocols. However, Hiscock does suggest the implementation of suitable wireless protocol for communication between the hot-sync server (10) and PDA (12) [see Hiscock, Col. 2, Line 60 to Col. 3, Line 4].

Treyz, in the same field of wireless network communication endeavor, discloses in-home wireless network using a variety of wireless protocols [see Treyz, Fig. 2 and Col. 9, Line 66 to Col. 10, Line 24 and Col. 10, Line 48 to Col. 11, Line 12]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of a variety of wireless protocols, disclosed by Treyz, into the system of wireless communication network disclosed by Hiscock, in order to provide a short-range and low-cost wireless communication link for use between devices within a rather small local area such as in-home network [see Treyz, Col. 10, Lines 20-24 and Col. 11, Lines 1-12].

Regarding claim 14, Hiscock does not explicitly teach the server is an Internet-enabled device. However, Hiscock does suggest the implementation of suitable wireless protocol for communication between the hot-sync server (10) and PDA (12) [see Hiscock, Col. 2, Line 60 to Col. 3, Line 4]. In addition, Hiscock further suggests the hot-sync server (10) may connect directly to the LAN or through other devices such as routers (not shown) [see Hiscock, Col. 3, Lines 7-9].

Treyz, in the same field of wireless network communication endeavor, discloses in-home wireless network using a variety of wireless protocols [see Treyz, Fig. 2 and Col. 9, Line 66 to Col. 10, Line 24 and Col. 10, Line 48 to Col. 11, Line 12]. In addition, Treyz further discloses residential gateway (45) acting as a server in communication with wireless client devices (12) and extending connection to the Internet via cable modem or DSL link for downloading data. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the server as an Internet-enabled device, disclosed by Treyz, into the system of wireless communication network disclosed by Hiscock, in order to enable the server extending data access to other networks as part of WAN for periodically obtaining data over the Internet in a relatively easy manner [see Treyz, Col. 11, Lines 1-22].

Regarding claim 15, Hiscock does not explicitly teach the server is a personal computer (PC). However, it would have been obvious to one skilled in the art to implement a personal computer as a server for communication with another computer or device as a client in the network.

8. Claims 8, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of Jones et al (Hereafter, Jones), U.S. Pat. No. 6,108,314.

Regarding claim 8, Hiscock does not explicitly teach a wireless router being wirelessly coupled between the server and the client via a wireless protocol. However, Hiscock does suggest one of personal digital assistance (PDA) (12) is coupled to the hot-sync server (10) by a wireless link (22) wherein the hot-sync server includes a wireless transceiver (46) for communicating with the PDA and the PDA also includes a wireless transceiver (36) for communicating with the hot-sync server [see Hiscock, Fig. 2 and Abstract and Col. 3, Lines 21-43]. In addition, Hiscock further suggests the hot-sync server (10) may connect to the LAN through other devices such as routers (not shown) [see Hiscock, Col. 3, Lines 7-9].

Jones, in the same field of wireless communication network endeavor, discloses the implementation of wireless router between devices such as subscriber devices and servers in the wireless network [see Jones, Fig. 1 and Col. 2, Line 40 to Col. 3, Line 3]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of a wireless router, disclosed by Jones, into the system of wireless communication network disclosed by Hiscock, in order to perform routing protocols and handle transmission of different types of data [see Jones, Col. 3, Line 62 to Col. 4, Line 21]. Thus, various types of data can be efficiently transferred from one device to another in a wireless communication environment.

Claims 22 and 24 are rejected under the same rationale set forth above to claim 8.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of Callaway, Jr. (Hereafter, Callaway), U.S. Pat. No. 6,711,380.

Regarding claim 9, Hiscock does not explicitly teach the client is a wireless smart client. However, Hiscock does suggest one of personal digital assistance (PDA) (12) is coupled to the hot-sync server (10) by a wireless link (22) wherein the hot-sync server includes a wireless transceiver (46) for communicating with the PDA and the PDA also includes a wireless transceiver (36) for communicating with the hot-sync server [see Hiscock, Fig. 2 and Abstract and Col. 3, Lines 21-43].

Callaway, in the same field of wireless communication network endeavor, discloses the implementation of a home wireless network connecting intelligent appliances [see Callaway, Col. 1, Lines 14-45]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of wireless smart client (= intelligent appliance), disclosed by Callaway, into the system of wireless communication network disclosed by Hiscock, in order to create a "master-slave" environment in the wireless LAN for the piconet master (= one of controller device (11), (13), (15)) wirelessly controlling and managing all complex operations and program, such that the smart appliance (= slave microwave oven (10)) does little more

than acts on very specific commands issued by the master device (for example, turns itself on and off) [see Callaway, Col. 3, Line 13 to Col. 4, Line 5]. Thus, this enables to establish an autonomous local area distributed network like "smart appliances" home network in a configuration that requires only low cost, low bandwidth communication techniques and only an occasional connection to a remote server or a master controller.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of McClard et al (Hereafter, McClard), "Unleashed : Web Tablet Integration into the Home", ACM, April 2000.

Regarding claim 10, Hiscock does not explicitly teach the client is a wireless tablet. However, Hiscock does suggest the implementation of clients as PDAs (12) [see Hiscock, Fig. 1 and Col. 2, Line 60 to Col. 3, Line 12].

McClard, in the same field of wireless communication network endeavor, discloses the implementation of client as a wireless tablet [see McClard, Page 1, Left column, third paragraph and Page 1, Right column, second & third paragraphs]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of a client as a wireless tablet, disclosed by McClard, into the system of wireless communication network disclosed by Hiscock, in order to improve the portability aspect by allowing the user to be unchained and mobilized within a small local area such as in-home network [see McClard, Table 1 on Page 2].

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of Nevo et al (Hereafter, Nevo), U.S. Pat. No. 6,600,726.

Regarding claim 12, Hiscock does not explicitly teach the client is capable of wireless communication using a first wireless protocol and the second client is capable of wireless communication using a second wireless protocol. However, Hiscock does suggest the implementation of suitable wireless protocol for communication between hot-sync server (10) and PDA (12) [see Hiscock, Col. 2, Line 60 to col. 3, Line 4].

Nevo, in the same field of wireless communication network endeavor, discloses one client or device is capable of operation using a first wireless protocol (= wireless network protocol A) and the second client or device is capable of operation using a second wireless protocol (= wireless network protocol B) [see Nevo, Fig. 1 and Col. 3, Lines 30-45 and Col. 4, Lines 36-59]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the implementation of different devices capable of operation using different wireless protocols, disclosed by Nevo, into the system of wireless communication network disclosed by Hiscock, in order to enable a device handling concurrent wireless communication with multiple partners of different wireless communication protocols in a very efficient and low cost manner [see Nevo, Col. 1, Lines 58-60].

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of Thompson et al (Hereafter, Thompson), U.S. Pat. No. 6,484,011.

Regarding claim 20, Hiscock does not explicitly teach the wireless client is capable of reading a magnetic strip. However, Hiscock does suggest one of personal digital assistance (PDA) (12) is coupled to the hot-sync server (10) by a wireless link (22) wherein the hot-sync server includes a wireless transceiver (46) for communicating with the PDA and the PDA also includes a wireless transceiver (36) for communicating with the hot-sync server [see Hiscock, Fig. 2 and Abstract and Col. 3, Lines 21-43].

Thompson, in the same field of wireless communication network endeavor, discloses the implementation of a wireless device having means for reading a magnetic stripe [see Thompson, Col. 10, Lines 19-21]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the use of wireless device capable of reading a magnetic stripe, disclosed by Thompson, into the system of wireless communication network disclosed by Hiscock, in order to enhance the process of identification in an efficient manner by allowing a quick retrieval of coded information from the magnetic stripe using a portable and wireless device.

13. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock, U.S. Pat. No. 6,721,787 in view of Gershman et al, U.S. Pat. No. 6,356,905.

Regarding claim 25, Hiscock teaches a personal wireless network (= wireless link (22) system) [see Fig. 1 and Col. 2, Line 60 to Col. 3, Line 12], comprising:

a wireless server (= hot-sync server (10)) [see Fig. 1 and Col. 2, Lines 60-66] capable of executing any one of a plurality of software applications and generating from such execution a plurality of data packets for transmission in the network [see Col. 3, Lines 34-43]; and

a wireless client capable of wireless communication with the wireless server in accordance with at least one wireless communication protocol, the wireless client being configured to remotely access the software applications executed by the wireless server, and to process the data packets transmitted from the wireless server and wherein the wireless server receives a data packet from the wireless client extracts data from the received data packet, and associates the extracted data with one of the software application (= one of personal digital assistance (PDA) (12) is coupled to the hot-sync server (10) by a wireless link (22) wherein the hot-sync server includes a wireless transceiver (46) for communicating with the PDA and the PDA also includes a wireless transceiver (36) for communicating with the hot-sync server and wherein software running in the server to allow exchanging packet data between the PDA and the server for establishing connection) [see Fig. 2 and Abstract and Col. 3, Lines 21-43 and Col. 4, Lines 5-60].

Though Hiscock discloses software (implicitly software applications) running on the server and executed by the processor as indicated, Hiscock does not explicitly disclose a multiple software applications. However, Gershman, in the same field of thin client and wireless server communication endeavor, discloses running and executing a plurality of software applications and modules on the server [see Col. 49, Line 16 to Col.

50, Line 27]. It would have been obvious to one of ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Gershman into the teaching of Hiscock in order to explicitly point out that execution of multiple software applications on the server is known in the art for allowing smooth and efficient communication between client and server.

Response to Arguments

14. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

The Petition under 37 C.F.R 1.47 in support of Declaration of Prior Invention under 37 C.F.R. 1.31 has been dismissed by the USPTO Petitions branch and thus Declaration of Prior Invention under 37 C.F.R. 1.31 has been considered as ineffective to overcome the Hiscock reference. Therefore, the affidavit filed on 24 October 2005 is deemed insufficient to remove Hiscock reference as prior art.

Applicant argued that applicant's wireless server is capable of executing a plurality of software application program at the server (see Specification, page 39).

In response to applicant's argument, Hiscock teaches a personal wireless network such as wireless link (22) system [see Fig. 1 and Col. 2, Line 60 to Col. 3, Line 12], comprising a wireless server capable of executing any one of a plurality of software applications and generating from such execution a plurality of data packets for transmission in the network. For example, Hiscock discloses a hot-sync server (10) with

software running on it for communication with the PDA [see Fig. 1 and Col. 2, Lines 60-66 and Col. 3, Lines 34-43].

In addition, applicant argued that cited reference fails to disclose the generation of a plurality of data packets from the execution of one of the software application programs running on the server (for transmission to and processing by the wireless client) and associates extracted data (extracted from a data packet received from the wireless client) with one of the software application programs.

In response to applicant's argument, Hiscock further teaches a wireless client capable of wireless communication with the wireless server in accordance with at least one wireless communication protocol, the wireless client being configured to remotely access the software applications executed by the wireless server, and to process the data packets transmitted from the wireless server and wherein the wireless server receives a data packet from the wireless client extracts data from the received data packet, and associates the extracted data with one of the software application. For example, Hiscock discloses one of personal digital assistance (PDA) (12) is coupled to the hot-sync server (10) by a wireless link (22) wherein the hot-sync server includes a wireless transceiver (46) for communicating with the PDA and the PDA also includes a wireless transceiver (36) for communicating with the hot-sync server and wherein software running in the server to allow exchanging packet data between the PDA and the server for establishing connection [see Fig. 2 and Abstract and Col. 3, Lines 21-43 and Col. 4, Lines 5-60].

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. **See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).**

As a result, cited prior art does disclose a system and method as broadly claimed by the applicant. Applicant has still failed to identify specific claimed limitations that would define a clearly patentable distinction over prior arts. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter recited in independent claims. Dependent claims are also rejected at least by virtue of dependency on independent claims and by other reasons shown above. Accordingly, claims 1-15 and 20-25 are respectfully rejected.

Conclusion

15. Applicants' amendment necessitates the change of new grounds of rejections. Accordingly, THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Tran
Philip B. Tran
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Art Unit 2155
Jan 12, 2006